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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,443	12/28/2001	Surendra Kumar Rajak	1330.1107	4421
21171	7590	08/12/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LE, DEBBIE M	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/028,443	Applicant(s) RAJAK, SURENDRA KUMAR	
	Examiner DEBBIE M. LE	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 13 May 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1-3, 5-21.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued Shen's reference teaches the actual object model is converted. This is different than the present application as recites in claim that automatically extracting the data from the object model.

In response, examiner respectfully submits that Shen teaches an object modeler generates an object model of the database from the data. In other words, the object model contains the data from the database when it is generated as "object model files". A model extractor which extracts a logical model from the object model file, the model extractor outputs the extracted logical model to a logical model compiler. The compiler has compiled the logical model, it outputs the logical model to a generator. The generator takes the logical model files and transforms filed to PDM schema files for use in a target PDM platform (col. 2, lines 9-10, col. 3, lines 27-39, col. 5, lines 52-54). As seen, Shen teaches "extracting the data from the object model" as a model extractor which extracts a logical model from the object model file. Shen further teaches "automatically translating the extracted data to a non-object format" as a compiler has compiled the logical model, it outputs the logical model to a generator. The generator takes the logical model files and transforms filed to PDM schema files for use in a target PDM platform in a automatically manner (abstract).

Examiner acknowledged that Shen does not using an object query language to extracting the data from the object model. Thereby examiner relies on Ng for the missing limitation. Applicant argued that Ng does not extracting data from the object model using an object query language.

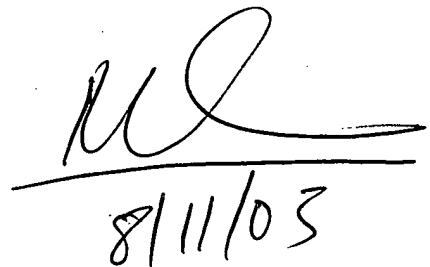
With respect to Applicant arguments, examiner respectfully disagrees. Ng discloses that "tool 508 also generates object query language routines for use by objects generated from a particular classes. Tool 508 automatically creates stored procedure to provide basic operations useful for retrieving data stored in the database such as object-oriented database system 500 (col. 7, lines 15-17, col. 8, lines 49-51, col. 10, lines 40-41).

Applicant argued that the present application requires two databases, one is object model stores data in a database and the other one is non-object database, which is a relational database. Ng discloses only one database.

In response, examiner respectfully submits that Shen discloses two databases. One is conceptual database model and the other is actual database. Shen teaches transforming object oriented models into an actual operable database (col. 1, lines 9-10, 54). Examiner relies on Ng just to show the explicit limitation "relational database" why Ng's system would combine with Shen's system and motivation to combine the references has been provided in the last office action dated on Jan. 13, 2005.

Applicant argued claims 1-3, 5-21 recited features are concrete, useful, tangible results, and related to the technological art.

In response, acknowledged by examiner that the instant application does support recited features of those claims being defined the term "automatically" found in paragraph 0084 that "The term "automatically" indicates that a process or operation is performed by a computer in an automated manner without human intervention". As the result, the rejection to claims 1-3, 5-21 under 35 USC 101 has been withdrawn.



Handwritten signature and date: 8/11/03